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10/788,868	02/26/2004	John J. Barton	200312718-1	7210

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HEWLETT PACKARD COMPANY  
P O BOX 272400, 3404 E. HARMONY ROAD  
INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER

GUPTA, MUKTESH G

ART UNIT	PAPER NUMBER
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4121

MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/788,868

Applicant(s)

BARTON, JOHN J.

Examiner

Muktesh G. Gupta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. **Claims 1-20** have been examined and are pending.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-20** rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. US 20040000585 to Silverbrook et al. (hereinafter "Silverbrook").

**As to Claims 1 and 10**, Silverbrook teaches a system and method for exchanging information, said system and method comprising (as stated in par. 0097, lines 1-10, a **computer system** adapted to facilitate the interaction in response to receiving indicating **data** from a **sensing** device, the indicating data being indicative of the identity of the product item and of a position of the sensing device relative to the interface surface, the sensing device, when placed in an operative position relative to the interface surface, sensing of the coded data in the vicinity of the sensing device and generating the indicating data using of the sensed coded data):

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a display unit (as stated in par. 0151, lines 1-4, schematic view of a interaction between a netpage pen, a Web terminal (**display unit**), a netpage printer, a netpage relay, a netpage page server, and a netpage application server, and a Web server);

a document exchange unit comprising a shared memory communicatively coupled with said display unit (as stated preceding paragraph, in par. 0152, lines 1-3, par. 0496 , lines 1-16 and par. 0222, lines 1-8, illustrates a collection of **netpage page servers (document exchange unit)**, **Web terminals (display unit)**, printers and relays **interconnected (coupled)** via a **network**. The netpage page servers persistently archive the received page layouts information and **shared content** in **shared memory or cache** of the **netpage page servers**);

a control unit coupled with said document exchange unit, said control unit for selecting said information and for transmitting said information to said shared memory, and wherein said display unit thereafter displays said information (as stated in par. 0359, lines 1-2 and par. 0614 , lines 1-4, **netpage pen (control unit)** has a current **selection** associated with it, allowing the user to perform copy and paste operations. The **netpage pen controller** chip includes a controlling processor. Bus enables the **exchange of data (information)** between components of the controller chip. Flash memory and a 512 KB DRAM are also included. Utilizing the RF chip and antenna the **netpage pen (control unit)** can **transmit** the digital ink **data (information)** to the **computing system of netpage page servers (document exchange unit)**, **Web terminals (display unit)** and printers);

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and a sensor unit communicatively coupled with said control unit for accessing said information (as stated in par. 0161, lines 1-2, par. 0614 , lines 4-8, schematic block diagram of a pen **controller** for the **netpage pen (control unit)** shown having **controller unit coupled** with **sensor units** for **reading data** and analog-to-digital converter is arranged to convert the analog signal from the force **sensor** photodiode to a digital signal for onward transmission);

communicatively coupling a shared memory with a plurality of control units (as stated in preceding paragraphs, in par. 0151, lines 1-3, par. 0496 , lines 1-16 and par. 0226, lines 1-8, illustrates a collection of **netpage pens (control units)**, **netpage page servers (document exchange unit)**, **Web terminals (display unit)**, printers and relays **interconnected (coupled)** via a **network**. The netpage page servers persistently archive the received page layouts information and shared content in shared memory or cache of the netpage page servers. Each **netpage pen (control unit)** has a unique identifier. A household may have a collection of colored **netpage pens (control units)**, one assigned to each member of the family. This allows each user to maintain a distinct profile with respect to a **netpage page server and stored in shared memory or cache**);

using one of said plurality of control units to access said information via a sensor (as stated in preceding paragraphs and in par. 0151, lines 1-3, tag is sensed by an area **image sensor** in the **netpage pen (control unit)**, and the tag **data (information)** is **transmitted** to the netpage system, **netpage page servers (document exchange unit)**);

and transmitting said information to said shared memory, wherein said information is accessible by said plurality of control units and wherein said information is displayed by a shared display unit (as stated in preceding paragraphs and par. 0313, lines 1-8, a **netpage page server (document exchange unit)** maintains (**stores in shared content**) persistent **information** about page descriptions and page instances and also maintains user input values for each page instance from the **netpage pens (control unit)**, and the actual text and image objects which populate the pages. Multiple netpages can share the same page description and each netpage is assigned a unique page identifier. The server computes a set of optimized subsets of the **shared content** and creates a **multicast channel** for each subset, and then tags each user-specific layout with the names of the multicast channels which will carry the **shared content** used by that layout and is accessible to multiple **netpage pens (control units)**, printers and **Web terminals (display units)**).

**As to Claims 2 and 11;** Silverbrook teaches a system and method of claims 1 and 10, wherein said control unit is wirelessly coupled with said document exchange unit (as stated in par. 0217, lines 1 - 14, **netpage pens (control unit)** is wireless and communicates securely with the netpage network via a short-range radio link. Short-range communication is relayed to the netpage network by a local relay function, which is embedded in the **netpage page servers (document exchange unit)**).

**As to Claims 3 and 12**, Silverbrook teaches a system and method of claims 1 and 10, wherein said display unit, said document exchange unit and said shared memory are disposed in a common housing (as stated in par. 0217, lines 1-14 and par. 0224, lines 11-14, As illustrated in FIG. 2, ***netpage pen (control unit)*** works in conjunction with a ***netpage page servers (document exchange unit)***, ***personal computers, Web terminals (all with shared memory) which have display mounted together in common housing***. The ***netpage system*** is hosted on a ***single computer or computer-enabled device***).

**As to Claims 4 and 13**, Silverbrook teaches a system and method of claims 1 and 10, wherein said document exchange unit and said shared memory are wirelessly coupled with said display unit (as stated in par. 0217, lines 1-14, and par. 0222, lines 1-14 as illustrated in FIG. 2, the ***netpage pen (control unit)*** is ***wireless*** and communicates securely with the netpage network via a short-range radio link. Short-range communication is relayed to the netpage network by a local relay function, which is either embedded in the ***netpage page servers, personal computers, Web terminals*** or netpage printer (***which are document exchange units with shared memory***), or is provided by a separate relay device. ***PC, Web terminal, netpage printer or relay device*** communicate with application software, and ***output*** is not limited to being printed by the netpage printer, but it is also

**displayed** on the **PC** or **Web terminal**, and further interaction can be **screen-based** rather than paper-based).

**As to Claims 5 and 14**, Silverbrook teaches a system and method of claims 1 and 10, wherein said sensor unit comprises at least one input device selected from the group consisting of a removable memory input device, a barcode reader, a radio frequency identification (RFID) input device, an Infra-red Data Association (IrDA) input device, an optical media storage device drive, and a magnetic media storage device drive. (as stated in par. 0614, lines 1-6, par. 0660, lines 2-6, par. 0364, lines 1-2, par. 0701, lines 13-14, par. 0621 lines 1-3, par. 0214, lines 6-7, par 0522, lines 1-4, **netpage pen (control unit)** has **Flash memory** and a **512 KB DRAM** and when the it is in range of a receiver, the digital ink **data** is transmitted as it is formed from the **bar codes**, **magnetic stripe cards**, **smartcards**, and RF transponders, to identify objects to data processing **netpage page servers**. **Netpage pen** incorporates an **Infrared Data Association (IrDA)** interface for short-range communication with a base station or **netpage page servers**, **personal computers**, **Web terminals** or netpage printer (**which are document exchange units with shared memory**). Coded **data** can be **sensed** by an **optically** imaging **netpage pen (control unit)** and transmitted to the **netpage page servers**, **personal computers**, **Web terminals** or netpage printer (**which are document exchange units with shared memory**).



**As to Claims 6 and 15**, Silverbrook teaches a system and method of claims 5 and 14, wherein said sensor unit further comprises a coupling for providing power to said control unit. (as stated in par. 0607, lines 16-24, *netpage pen (control unit)* housing incorporates **Power supply** wires connect the components on the second flex PCB to **battery** contacts, which are mounted within the cam barrel. A terminal connects to the battery contacts and the cam barrel. A three-volt **rechargeable battery** sits within the cam barrel in contact with the battery contacts. An **induction-charging coil** is mounted about the second flex PCB to enable **recharging** of the **battery** via induction).

**As to Claims 7 and 16**, Silverbrook teaches a system and method of claims 5 and 14, wherein said sensor unit and said control unit are disposed in a common housing ( as stated in par. 0607, lines 2-15, *netpage pen (control unit)* second flex PCB, is mounted on an electronics chassis which sits within the **housing**. The second flex PCB mounts an **infrared LED** for providing infrared radiation for projection onto the surface. An **image sensor** is mounted on the second flex PCB for receiving reflected radiation from the surface. The second flex PCB also mounts a **radio frequency chip**, which includes an RF transmitter and RF receiver, and a **controller chip** for controlling operation of the *netpage pen (control unit)*. An **optics block** sits within the cover and projects an infrared beam onto the surface and receives images onto the **image sensor**).

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**As to Claims 8, 9 and 17**, Silverbrook teaches a system and method of claims 1 and 10, wherein said control unit is further for selecting information stored in said shared memory and for receiving said information via said document exchange unit (as stated in par. 0359, lines 1-3, par. 0364 lines 1-5 and par. 0227, lines 8, **netpage pen (control unit)** has a current selection associated with it, allowing the user to perform copy and paste operations. **Netpage pen (control unit)** buffers digital ink in **internal memory**, which has a capacity of over ten minutes of continuous handwriting. **Netpage pen (control unit)** is also registered with a **netpage server (document exchange unit)** and linked to one or more payment card accounts. This allows e-commerce payments to be securely authorized using the **netpage pen**. The **netpage server** compares the signature captured by the **netpage pen** with a previously registered and **stored** signature, allowing it to authenticate the user's identity to an e-commerce server);

wherein said control unit stores said information in a data storage device coupled with said sensor unit (as stated in par. 0612 lines 1-5, When the **netpage pen (control unit)** is in range of a receiver, the digital ink data is transmitted as it is formed. When the **netpage pen (control unit)** moves out of range, digital ink data is buffered within the **netpage pen (control unit)** to **store** digital ink **data** for approximately 12 minutes and can be transmitted later);

using said control unit to select information stored in said shared memory; and storing said information in a data storage device coupled with said sensor unit (as stated in par. 0612 lines 1-5, When the **netpage pen (control unit)** is in range of a

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receiver, the digital ink data is transmitted as it is formed. When the **netpage pen (control unit)** moves out of range, digital ink data is buffered within the **netpage pen (control unit)** to **store** digital ink **data** for approximately 12 minutes and can be transmitted later).

**As to Claim 18**, Silverbrook teaches information exchange system comprising:

means for sharing a temporary memory area wherein a document is accessible by a plurality of control units; (as stated in par. 0368, lines 1-3, **netpage pens (control units)** are used to interact with a **netpages (documents)**, which consists of a compact page layout maintained persistently (**temporary storage area**) by a **netpage page server (document exchange unit)**);

means for accessing said document, wherein said means for accessing is respectively coupled with each of said plurality of control units; (as stated in par. 0369, lines 1-4, when the **netpage page server (document exchange unit)** receives the stroke from the **netpage pen (control unit)**, it retrieves the page description to which the stroke applies, and determines which element of the page description the stroke intersects, and the same page can be retrieved by other **netpage pens (control units)**);

and means for conveying said document to said means for sharing using one of said plurality of control units, wherein said document is selected (as stated in par. 0368, lines 1-10, The coded data 3 of the tags 4 is read by the **netpage pens (control units)** when it is used to execute a movement, such as a stroke. The data

allows the identity of the particular page and associated interactive element to be determined and an indication of the relative positioning of the **netpage pens (control units)** relative to the **page** to be obtained. The indicating **data** is transmitted to the **printer (means for sharing)**, where it resolves, via the DNS, the **page (document)** of the stroke into the network address of the **netpage page server**, which maintains the corresponding page instance. It then transmits the stroke to the **netpage page server (document exchange unit)**.

**As to Claim 19**, Silverbrook teaches information exchange system as recited in claim 18, wherein said means for accessing further comprises a means for storing a copy of a second document accessed via said means for sharing (as stated in par. 0494, lines 1-4, par. 0495, lines 1-4 and par. 0496, lines 1-13, par. 0501, lines 1-4, for purposes of efficient distribution and **persistent storage** on the netpage network, during the multicasts, **netpage page server (document exchange unit)** and **printer** extracts from the multicast streams those objects referred to by its page layouts. The page servers persistently **archive** the received page layouts and **shared content**. Once a **document** is printed, a **printer (means for sharing)** can produce an exact duplicate at any time by retrieving its page layouts and contents from the relevant **netpage page server (document exchange unit)**.

**As to Claim 20**, Silverbrook teaches information exchange system as recited in claim 18 wherein said means for conveying comprises means for wirelessly

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communicating with said means for sharing (as stated in par. 0522, lines 1-6, par. 0523, lines 1-8 and par. 0526, lines 1- 11, **netpage pens (control units)** can "know" a number of netpage **printers, (means for sharing)** and vice-versa. **Netpage pens (control units) communicate** with a **printer** via a **radio frequency signal (wirelessly)** whenever it is within range of the **printer**. Once a pen and printer are registered, they regularly exchange session keys. Whenever the pen transmits **digital ink (information exchange)** to the **printer**, the digital ink is always encrypted using the appropriate session key and a secret key-exchange key. The key-exchange key is also recorded in the **netpage server** database).

### **Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Publication No. 20040212848, and US Publication 20050024510 to Lapstun et al., and US Patent No. 5465370 to Ito et al. are cited for reference but not taken into consideration.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muktesh G. Gupta whose telephone number is 571-270-5011. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Taghi T. Arani can be reached on 571-272-3787. The fax phone number

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for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Muktesh G. Gupta

Dr. Taghi T. Arani

  
**TAGHI ARANI**  
**PRIMARY EXAMINER**

11/4/07